


<i>Application Number</i> 	Application/Control No. 10/829,127	Applicant(s)/Patent Under Reexamination BAUDISCH ET AL.
	Examiner Nicholas S. Ulrich	Art Unit 2173



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,127	04/21/2004	Patrick M. Baudisch	MSFT122523	5451
26389 7590 10/31/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
			EXAMINER ULRICH, NICHOLAS S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,127	Applicant(s) BAUDISCH ET AL.	
	Examiner Nicholas S. Ulrich	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 are pending.
2. Claim 1 has been amended.
3. Claims 2-15 are added.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 2 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite "providing feedback to the user that the pointer intersected the **guide area**". However, the specification teaches providing feedback to the user that the pointer is placed on a **target**. For examination purposes the examiner will rely on the specification and treat claims 2 and 12 to read "providing feedback to the user that the pointer is placed on the target".

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 and 8 recites the limitation "wherein preventing the guide areas from overlapping". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, 3, 5, 9, 10, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et al. (US 5596347).

In regard to claim 1, Robertson discloses in a computer device that includes a display for displaying a graphical user interface that includes a pointer, a pointer input device, and an operating system, a method of guiding a pointer toward a target comprising:

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in response to receiving notice of a pointer movement event, obtaining the current and projected coordinate positions of the pointer (*Fig 6 elements 30, 158, and 160 and Column 9 lines 45-60*);

determining if the pointer will intersect a guide area during movement (*Fig 7 element 140 and Column 12 lines 16-17*);

if the pointer intersects a guide area during movement, calculating an adjusted coordinate position for the pointer; wherein pointer movement is redirected toward a target while inside the bounds of the guide area and wherein pointer movement inside the guide area is non-linear in one component direction in relation to movement of the input device (*Fig 7 element 142-145, Fig 6 elements 156 and 162, Column 11 lines 29-50, and Column 12 lines 41-50*);

and replacing the projected coordinate position of the pointer with the adjusted coordinate position (*Fig 7 element 146*).

In regard to claim 5, Robertson discloses a user interface that displays graphics on a computer display including a pointer that may be relocated on the computer display by a user employing an input device, the user interface operative to:

receive notice of pointer movement events and pointer selection events (*Column 3 line 65 – Column 4 line 41*);

communicate with an operating system to obtain event data associated with pointer movement and selection events (*Column 5 lines 22-25*);

allow applications programs to create GUI objects comprised of a guide area and a target (*Column 5 lines 10-20 and lines 37-55, and Column 6 lines 48-50*),

wherein adjusted coordinate positions for the pointer are identified when the pointer is inside a guide area so that movement of the point is redirected toward the target, and wherein pointer movement inside the guide area is non-linear in one component direction in relation to movement of the input device (*Fig 7 element 142-145, Fig 6 elements 156 and 162, Column 11 lines 29-50, and Column 12 lines 41-50*);

cause an operating system to display the pointer at the adjusted coordinate position (*Fig 7 element 146*).

In regard to claim 11, computer readable medium claim 11 corresponds generally to method claim 1 and recites similar features in computer readable form, and therefore is rejected under the same rationale.

In regard to claim 9, Robertson discloses wherein the guide areas that correspond to a target may be configured to redirect pointer movement in any direction on the computer display (*Column 11 lines 21-23*).

In regard to claim 14, Robertson discloses wherein the pointer component is further configured to allow applications programs to create GUI objects comprised of a

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guide area and a target (*Column 5 lines 10-20 and lines 37-55, and Column 6 lines 48-50*).

In regard to claims 3, 10, and 13, Robertson discloses wherein the amount that pointer movement is redirected toward the target increases as the proximity of the pointer is closer to the target (*Column 13 lines 25-29*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. (US 5596347) in view of Mantha (US 6137487).

In regard to claims 2 and 12, while Robertson teaches guiding a pointer towards a target, they fail to show the providing feedback to the user that the pointer is positioned on the target as recited in the claims. Mantha teaches guiding pointers similar to that of Robertson. In addition, Mantha further teaches providing feedback to the user when a pointer is positioned on a target (*Abstract*). It would have been obvious to one of ordinary skill in the art, having the teachings of Robertson and Mantha before him at the time the invention was made, to modify the target taught by Robertson to

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include the feedback of Mantha, in order to obtain feedback to the user when a pointer is positioned on a target. One would have been motivated to make such a combination because a more intuitive interface for unsophisticated or inexperienced users would have been obtained, as taught by Mantha (*Column 1 line 60 – Column 2 line 20*).

8. Claims 4, 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. (US 5596347) in view of Pauly (US 6693653 B1).

In regard to claims 4, 7, 8, and 15, while Robertson teaches guide areas associated with targets, they fail to show the guide area associated with the target is not allowed to overlap with the guide as recited in the claims. Pauly teaches guide areas similar to that of Robertson. In addition, Pauly suggests changing size and shape of targets that are positioned close together (*Column 4 line 62 – Column 5 line 1*). It would have been obvious to one of ordinary skill in the art, having the teachings of Robertson and Pauly before him at the time the invention was made, to modify the guide areas taught by Robertson to include the changing size and shape of Pauly, in order to obtain guide areas the can not overlap. One would have been motivated to make such a combination because overlapping guide areas could produce adverse affects when guiding a pointer to a target once positioned within a guide area, as taught by Pauly.

Allowable Subject Matter

9. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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